



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

Mr. Kenneth R. Reisinger  
Acting Deputy Secretary, Office of Waste, Air and Radiation Management  
Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
400 Market Street, 14th Floor  
Harrisburg, Pennsylvania 17105-8471

301 30 2009

Dear Mr. Reisinger:

On June 15, 2009, EPA conducted the FY09 midyear review of the RCRA Subtitle "I" Underground Storage Tank (UST) and Leaking Underground Storage Tank (LUST) programs of the Pennsylvania Department of Environmental Protection (PADEP), Office of Waste, Air and Radiation Management. A separate EPA midyear report on UST/LUST Program performance is not being prepared since the brevity of the program items allows for complete coverage in this letter. Your staff has had the opportunity to review this letter and offer comments.

Overall, EPA is pleased with PADEP's performance in the UST and LUST programs through midyear FY09. In the UST Program, PADEP's Release Prevention rate of 91.3% is higher than the regional average of 79.7%. PADEP's Release Detection rate of 84.2% is higher than the regional average of 76%, and PADEP's combined rate of 76.6% is higher than the regional average of 66.6%. PADEP has the highest compliance rates of all the Region III States. EPA appreciates PADEP's efforts in this area.

PADEP informed EPA that it will move forward with finalizing its revised regulations on its Operator Training Requirements, which are expected to be approved by its Environmental Quality Board in September 2009 and finalized by year end. PADEP's November 10, 2007 final rule established a 3-year inspection frequency. All facilities will be phased in and inspected on a 3-year frequency to meet the August 8, 2010 Energy Policy Act Deadline. EPA appreciates PADEP's efforts toward the accomplishment of the Underground Storage Tank Compliance Act (USTCA).

PADEP has amended its FY 09 LUST Prevention Grant for \$670,000 and has agreed to 2100 SOC inspections in each of FY 09 and FY 10, and 250-300 follow-up inspections in each of FY 09 and FY 10.

In order to gauge state progress on the 3-year inspection frequency requirement, EPA requests that PADEP continue to provide its total number of active, federally-regulated UST facilities. The PADEP midyear report indicated that a 2.7-year inspection frequency was achieved during the reporting period. We have passed the half-way point towards our goal to

inspect all active facilities by August 8, 2010. EPA has to have an accurate count of the inspections needed to be completed to measure progress towards that goal.

In the LUST program, the PADEP's cooperative agreement work plan specified a grant-supported goal of 207 cleanups and an overall goal of 500 cleanups. PADEP facilitated the accomplishment of 281 cleanups through midyear. Therefore, PADEP should be well on its way to meeting its overall goal for FY09.

As negotiated between our offices, PADEP submitted an amendment to EPA for an additional \$427K of LUST cleanup funding for its FY08-10 cooperative agreement. The increase in federal funds should allow PADEP to complete an additional 50 cleanups and a total of 550 cleanups for FY 09.

As a part of our cooperative agreement and because of the need to keep staff informed of the latest UST/LUST guidance and policies, EPA expects that PADEP will send attendees to all EPA regional and national workshops and meetings, such as the UST Inspector Workshop and the LUST Technical Workshop later this calendar year. These workshops help state personnel support mutual program goals. The costs for these workshops are already funded in the respective UST/LUST cooperative agreements.

In summary, EPA is satisfied that PADEP is on track to meet its grant targets in the UST and LUST programs. I thank you and your office for its continued efforts in implementing the UST and LUST programs. I look forward to our continued collaboration and success in these program areas. If you have any questions regarding this letter, please contact me at 215 814-3143 or [ferdas.abe@epa.gov](mailto:ferdas.abe@epa.gov).

Sincerely,



Abraham Ferdas, Director  
Land and Chemicals Division

Enclosure

cc: C. Swokel, PADEP  
R. Powers, PADEP  
W. Nagel, PADEP  
C. Olewiler, PADEP  
G. Hartenstein, PADEP

